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OFFICE OF PETITIONS

In re Patent No. 6,794,152 :
Issue Date: September 21, 2004 :
Application No. 09/747,619 :
Filed: December 22, 2000 :
Attorney Docket Number: 1003-015 :
Title of Invention: Flow Cytometry Reagent and :
System :

ON PETITION

This is a decision on the petition, filed on May 5, 2005, requesting the issuance of a duplicate Letters Patent for the above-identified application.

The petition is **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) Months from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition". This is **not** final agency action within the meaning of 5 U.S.C. §704.

Since it is the Patent and Trademark Office's practice to assure mailing of all papers on the date indicated, there is a strong presumption that papers duly addressed and indicated as mailed, such as the Letters Patent in this patent are timely delivered to the addressee. To overcome this presumption, a verified statement with supporting evidence, such as any records which would disclose the receipt of other correspondence mailed from the Patent and Trademark Office on or about September 21, 2004, but fail to disclose receipt of the Letters Patent mailed on that date should be promptly submitted. Further, copies of records on which receipt of the Letters Patent would have been entered had it been received are required (i.e. docket report).¹

¹ Petitioner should refer to MPEP 711.03 (c) Petition to Withdraw Holding of Abandonment Based On Failure to Receive Office Action the standard established is similar to the standard required to obtain duplicate Letters Patent based upon non-receipt.

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